## JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT MINUTES

Dale Weis, Chair; Janet Sayre Hoeft, Vice-Chair; Aari Roberts, Secretary

<u>PUBLIC HEARING</u> BEGINS AT 1:00 P.M. ON THURSDAY, AUGUST 8, 2019 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

<u>CALL TO ORDER FOR BOARD MEMBERS</u> IS AT 11:00 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

<u>SITE INSPECTION FOR BOARD MEMBERS</u> LEAVES AT 11:15 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

#### 1. Call to Order-Room 203 at 11:00 a.m.

Meeting called to order at 11:04 a.m. by Chairman Weis.

## 2. Roll Call (Establish a Quorum)

Members Present: Weis, Hoeft, and Roberts

Members Absent: ---

Staff: Lindsey Schreiner and Matt Zangl

## 3. Certification of Compliance with Open Meetings Law

Hoeft acknowledged publication. Staff also presented proof of publication.

## 4. Approval of the Agenda

Motion by Hoeft, seconded by Roberts to approve the agenda as presented. Motion carried 3-0 on a voice vote to approve the agenda.

#### 5. Approval of July 11, 2019 Meeting Minutes

Motion by Hoeft, seconded by Roberts to approve the minutes as presented. Motion carried 3-0 on a voice vote to approve the Minutes.

### 6. Communications

Zangl informed board members that the next step in the Comprehensive Plan is intergovernmental interviews.

#### 7. Public Comment

None.

## 8. Site Inspections – Beginning at 11:15 a.m. and Leaving from Room 203

V1651-19 – Jeremy Gill, W4352 Emerald Drive, Town of Watertown V1652-19 – Terry and Patricia Zoller, N7493 Switzke Road, Town of Watertown

## 9. Public Hearing – Beginning at 1:00 p.m. in Room 205

Meeting called to order at 1:00 p.m. by Chairman Weis.

Members Present: Weis, Hoeft, and Roberts

Members Absent: ---

Staff: Lindsey Schreiner and Matt Zangl

## 10. Explanation of Process by Board of Adjustment Chair

The following was read into the record by Chairman Weis.

## NOTICE OF PUBLIC HEARING JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, August 8, 2019 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance. An AREA VARIANCE is a modification to a dimensional, physical, locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment. A USE VARIANCE is an authorization by the board of adjustment to allow the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, a petitioner for an AREA VARIANCE bears the burden of proving "unnecessary hardship," by demonstrating that 1) strict compliance with the zoning ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose, or 2) would render conformity with the zoning ordinance unnecessarily burdensome. A petitioner for a USE VARIANCE bears the burden of proving that 3) strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. Variances may be granted to allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. PETITIONERS, OR THEIR **REPRESENTATIVES, SHALL BE PRESENT.** There may be site inspections prior to public hearing which any interested parties may attend; discussion and possible action may occur after public hearing on the following:

<u>V1651-19 – Jeremy Gill:</u> Variance from Sec. 11.04(f)5 and 11.07(d) of the Jefferson County Zoning Ordinance to allow an in ground pool at less than the required setback to the right-of-way of State Road 26. The site is at **W4352 Emerald Drive** in the Town of Watertown on PIN 032-0815-3224-004 (1.5 Acre) in an A-T, Agricultural Transition zone.

**PETITIONER:** Jeremy Gill (W4352 Emerald Drive, Watertown, WI 53094) explained that he is requesting the variance to allow an in-ground pool at his residence because it would not meet road setbacks. He stated that the entire property and home does not meet the setbacks and that there is no other place to put a pool on the property.

**COMMENTS IN FAVOR:** Patricia Zoller (N7493 Switzke Road, Watertown, WI 53094) was in favor.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

QUESTIONS FROM COMMITTEE: Roberts noted that if the pool was to comply with the appropriate setbacks, it would be located way in the corner of the lot. Petitioner answered yes, that would put the pool location where the retaining wall and detached garage exists. Roberts asked if there is going to be any fencing around the pool. Petitioner answered that there will be an automatic pool cover. Weis asked if the expansion of Highway 26 encroached on the property. Gill answered not exactly, and that most of the construction occurred on the west side of Highway 26. However, the setback then increased and their house has been there since the 1800's.

**STAFF REPORT:** Given by Schreiner/Zangl and in the file.

**TOWN:** Approved 7/8/19 with conditions. (see file).

<u>V1652-19 – Terry and Patricia Zoller:</u> Variance from Sec. 11.04(f) 2 and 11.07(d) of the Jefferson County Zoning Ordinance to allow a detached garage at less than required setbacks to Switzke Road right-of-way and centerline. The property is on PIN 032-0815-3332-007 (1.385 Acre) at **N7493 Switzke Road**, Town of Watertown, and is zoned Residential R-2.

**PETITIONER:** Patricia Zoller (N7493 Switzke Road, Watertown, WI 53094) explained they are looking for the variance to put up a garage on their property. The committee questioned if there is a reason to put the garage in the proposed location as compared to elsewhere on the property. Zoller answered that the back side of the property is a hill and that to the north, they'd like to reserve the location for a replacement septic system site. Zoller noted that their neighbors are okay with this placement of the proposed garage.

**COMMENTS IN FAVOR:** Jeremy Gill (W4352 Emerald Drive, Watertown, WI 53094) was in favor.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** Weis asked the petitioner to elaborate on the Preliminary CSM in the file. Zoller replied that they have purchased 7 feet of the neighbor's land in order to build the garage in the proposed location. Weis asked where the well is located on the property. Zoller explained that it is located on the south side of the house right behind the garage. Roberts asked what would happen if the property owners were to put the structure in a different location. Zoller explained that if it was put anywhere else there would be unsafe access concerns, drainage issues, and no location for a replacement septic system site. Zoller discussed the slope and drainage issues on the property to the west.

**STAFF REPORT:** Given by Schreiner/Zangl and in the file.

**TOWN:** Approved 7/8/19.

## 11. Discussion and Possible Action on Above Petitions

## 12. Adjourn

Roberts moved to adjourn, seconded by Weis. Motion carried 3-0 on a voice vote to adjourn at 1:58 p.m.

If you have questions regarding these variances, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Variance files referenced on this hearing notice may be viewed at the Jefferson County Courthouse in Room 201 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

## JEFFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

Additional information on Zoning can be found at www.jeffersoncountywi.gov

Minutes prepared by:	 Management Technician ing and Zoning Department	
Secretary	 Date	

## DECISION OF THE ZONING BOARD OF ADJUSTMENT JEFFERSON COUNTY, WISCONSIN

## **FINDINGS OF FACT**

PETITION NO.:	2019 V1651	_
HEARING DATE:	08-08-2019	-
APPLICANT:	Jeremy Gill	
PROPERTY OWNER:	SAME	
PARCEL (PIN) #:	032-0815-3224-004	(W4352 Emerald Drive)
TOWNSHIP:	Watertown	
		n in-ground pool at less than the required setback of State Road 26 at W4352 Emerald Drive.
THE APPLICANT REQUITE JEFFERSON COU		FROM SECTION <u>11.04(f)5 &amp; 11.07(d)2</u> OF NANCE.
THE FEATURES OF TH		TRUCTION AND PROPERTY WHICH RELATE TO CE APPLICATION ARE:
-1.5 acre A-T Zone,	, Agricultural Transition	n – Section 11.04(f)5
-Required Setback	(11.04(f)5 & 11.07(d)2):	
100 feet to the	he Road right-of-way	
200 feet to the	he Centerline of the Roa	nd
-Proposed Setback		
	e Road right-of-way	
	ely 180 feet to the Cente	
		feet or more to the road right-of-way
•	<u>nit on file – Mound Syst</u>	
-Home built pre-19	75 (existing nonconform	ning structure 11.09(c))
		INSPECTIONS: Site inspections
conducted. Observ	ved property layout & lo	ocation.
FACTS PRESENTED AT	PUBLIC HEARING:	See tape, minutes & file.
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## **DECISION STANDARDS**

Α.	NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES:
В.	SUBJECT TO THE ABOVE LIMITATIONS, AREA VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP WHICH WOULD UNREASONABLY PREVENT THE PETITIONER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE, OR WOULD RENDER CONFORMITY WITH THE ZONING ORDINANCE UNNECESSARILY BURDENSOME, AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.
С.	SUBJECT TO THE ABOVE LIMITATIONS, USE VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY IN THE ABSENCE OF A VARIANCE AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.
	BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:
1.	UNNECESSARY HARDSHIP IS PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE WOULD UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME (AREA VARIANCE) OR STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY (USE VARIANCE) BECAUSE
	WEIS- the pool would be allowed if it were not too close proximity to Highway 26.  HOEFT- if it would to be compliant, the pool would be nowhere near the house.
	ROBERTS- the location of the pool at the top of the hill would not be integral to the improvements.
2.	THE HARDSHIP OR NO REASONABLE USE IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE
3.	THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE
	WEIS- the proposed location would have no detrimental impact of public safety.
	HOEFT- the pool is not coming any closer to Highway 26 than other buildings.
	ROBERTS- house is already closer than the pool will be. Public interest is not harmed.
* A \ \ \ T 7 A \	RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET*
·AVA	MANCE MAT BE GRANTED IT ALL THESE CONDITIONS ARE MET
DECIS	SION: THE REQUESTED VARIANCE IS GRANTED.
MOTI	ON: HOEFT SECOND: WEIS VOTE: 3-0 (voice vote)
CONI	DITIONS OF APPROVAL: None.
SIGNI	ED: DATE: 08-08-2019 CHAIRPERSON
	OILLINI LINOIT

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

# DECISION OF THE ZONING BOARD OF ADJUSTMENT JEFFERSON COUNTY, WISCONSIN

## FINDINGS OF FACT

PETITION NO.:	2019 V1652	
HEARING DATE:	08-08-2019	
APPLICANT:	Terry G & Patricia J Zo	oller Trust
PROPERTY OWNER:	SAME	
I KOI EKI I OWNEK.	SAIVIE	
PARCEL (PIN) #:	032-0815-3332-007	(N7493 Switzke Rd)
TOWNSHIP:	Watertown	
INTENT OF PETITION	IER: <u>To allow for an</u>	extensive on-site storage structure at less than the
required setback from the	road right-of-way and ce	nter line of the road at N7493 Switzke Road.
THE APPLICANT REQUIRED		ROM SECTION <u>11.04(f)2 &amp;11.07(d)2</u> OF ANCE.
THE FEATURES OF TH	IE PROPOSED CONST	RUCTION AND PROPERTY WHICH RELATE TO
THE GRANT OR DENIA	AL OF THE VARIANCE	E APPLICATION ARE:
-1.39 acre R-2 Zone	e, Residential- Unsewered	l – Section 11.04(f)2
<u> </u>	(11.04(f)2 & 11.07(d)2):	
	e Road right-of-way	
	e Centerline of the Road	
-Proposed setbacks		
	the road right-of-way	
	the centerline of the road	
-Home built pre-19		
-No sanitary permi	t on file	
		INSPECTIONS: Site inspections ation.
FACTS PRESENTED AT	TPUBLIC HEARING:	See tape, minutes & file.

## **DECISION STANDARDS**

A.	O VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF AND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES:	OF
В.	UBJECT TO THE ABOVE LIMITATIONS, AREA VARIANCES MAY BE GRANTED WHERE STRICT OMPLIANCE WITH THE ZONING ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP WHICH WOULD UNREASONABLY PREVENT THE PETITIONER FROM USING THE PROPERTY OR A PERMITTED PURPOSE, OR WOULD RENDER CONFORMITY WITH THE ZONING ORDINANCE UNNECESSARILY BURDENSOME, AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE UBLIC INTEREST NOT VIOLATED.	
С.	UBJECT TO THE ABOVE LIMITATIONS, USE VARIANCES MAY BE GRANTED WHERE STRICT OMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITTO REASONABLE USE OF THE PROPERTY IN THE ABSENCE OF A VARIANCE AND WILL ALLO HE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE COMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.	ГΗ
	ASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:	
4.	NNECESSARY HARDSHIP IS PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS HE ZONING ORDINANCE WOULD UNREASONABLY PREVENT THE OWNER FROM USING TROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH ESTRICTIONS UNNECESSARILY BURDENSOME (AREA VARIANCE) OR STRICT COMPLIANC ITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO EASONABLE USE OF THE PROPERTY (USE VARIANCE) BECAUSE	ΉE
	WEIS- the property owner is entitled to a garage/storage structure.  HOEFT- after careful planning, this is their best location.	
	ROBERTS- Abstained.	
5.	HE HARDSHIP OR NO REASONABLE USE IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF T ROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE WEIS- the slope and existing improvements limit the practical location of the structure. HOEFT- the septic system is old, so they need to save space to north for new system. It is a big	
	backyard, but it is hilly with water issues. The Town would unlikely grant access approval off emeral ROBERTS- Abstained.	ld.
6.	HE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THI URPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE	E
	WEIS- placing a garage adjacent to the existing driveway provides a practical and safe access to road	d
	HOEFT- no additional vision problems to get onto Switzke.  ROBERTS- Abstained.	
	NODENTO- Austanicu.	
*A VAI	ANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET*	
DECIS	N: THE REQUESTED VARIANCE IS GRANTED.	
MOTIO	VI: WEIS SECOND: HOEFT VOTE: 2-1 (voice vote)	
COND	TONS OF APPROVAL: None.	
SIGNE	DATE: 08-08-2019 CHAIRPERSON	

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.